

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEVIN B. JONES,
Plaintiff,

v.

MARTA,
Defendant.

CIVIL ACTION NO.
1:10-CV-1355-TWT

MAGISTRATE JUDGE'S FINAL REPORT AND RECOMMENDATION

This case is presently before the Court on this Court's May 26, 2010 Order, and this Court's December 29, 2010 Order. Docket Entries [3, 5]. On May 26, 2010, this Court Ordered pro se Plaintiff Plaintiff Kevin B. Jones ("Plaintiff") to complete his affidavit of indigence in support of his request to proceed *in forma pauperis* within twenty (20) days of the date of the Order. Docket Entry [3]. Although the Order was mailed to the address Plaintiff designated as his correct address, the Order was returned as undeliverable approximately two and a half months later. Because Plaintiff did not comply with this Court's Order to complete his affidavit of indigence and because this Court was concerned that Plaintiff had not kept the Court informed of his correct address, on December 29, 2010, this Court Ordered Plaintiff to show cause why his case should not be dismissed for failure to obey a lawful Order of the Court. This Court also notified Plaintiff of the Court's concern that he had not kept a correct address on file. To date, Plaintiff still has not completed his affidavit of indigence. Local Rule 41.2C

permits the Court to dismiss a case when the plaintiff fails to keep the clerk's office informed of any change in address which causes a delay or otherwise adversely affects the management of the case. LR 41.2C, NDGa. Because Plaintiff has failed to keep the Court informed of his correct address and because it has resulted in a substantial delay in the progress of his case, this Court **RECOMMENDS** that Plaintiff's lawsuit be **DISMISSED WITHOUT PREJUDICE**. LR 41.2C, NDGa. As this is a final Report and Recommendation and there are no other matters pending before this Court, the Clerk is directed to terminate the reference to the undersigned.

IT IS SO REPORTED AND RECOMMENDED, this 25th day of January, 2011.

s/Linda T. Walker
LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEVIN B. JONES,
Plaintiff,

v.

MARTA,
Defendant.

CIVIL ACTION NO.
1:10-CV-1355-TWT

ORDER FOR SERVICE OF REPORT AND RECOMMENDATION

Attached is the report and recommendation of the United States Magistrate Judge made in this action in accordance with 28 U.S.C. § 636 and this Court's Local Rule 72.1C. Let the same be filed and a copy, together with a copy of this Order, be served upon counsel for the parties.

Pursuant to 28 U.S.C. § 636(b)(1), each party may file written objections, if any, to the report and recommendation **within fourteen (14) days of the receipt of this Order**. Should objections be filed, they shall specify with particularity the alleged error or errors made (including reference by page number to the transcript if applicable) and shall be served upon the opposing party. The party filing objections will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the district court. If no objections are filed, the report and recommendation may be adopted as the opinion and order of the district court and any appellate review of factual findings

will be limited to a plain error review. United States v. Slay, 714 F.2d 1093 (11th Cir. 1983), cert. denied, 464 U.S. 1050, 104 S.Ct. 729, 79 L.Ed.2d 189 (1984).

The Clerk is directed to submit the report and recommendation with objections, if any, to the district court after expiration of the above time period.

SO ORDERED, this 25th day of January, 2011.

s/Linda T. Walker
LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE